

BOARD OF SELECTMEN – JULY 21, 2014

I. Call to Order

Chairman Dan Kowalski called the Regular Meeting of the Board of Selectmen to order at 7:02 P.M. in the Selectmen's conference room in the Town Offices. Present: Chairman Kowalski-Y and Selectmen Paul Salafia-Y, Alex Vispoli-Y, Mary O'Donoghue-Y. Also present: Town Manager Reginald S. Stapczynski and Town Clerk Larry Murphy. The meeting was duly posted and cablecast live.

II. Opening Ceremonies

A. Moment of Silence/Pledge of Allegiance

Chairman Kowalski led the meeting in a Moment of Silence and Pledge of Allegiance.

III. Communications/Announcements/Liaison Reports

The Town Manager made the following announcements:

~ The Andover Housing Authority has a vacancy on their Board due to the departure of Jan Burkholder. Interested parties should a letter to the Town Manager via email at manager@andoverma.gov. The Joint Boards will meet on August 18th at 7:00 P.M. to vote on the replacement. The Ballardvale Fire Station Building Committee needs one more volunteer. The Economic Development Council has two vacancies. The Andover Contributory Retirement Board has one opening. Anyone interested in any of these vacancies should submit a Talent Bank Form found on the Town's webpage at www.andoverma.gov.

~The old Bancroft School will be demolished in three phases with phase one starting this week.

Mary O'Donoghue announced that two new members, Max Arai and Bonnie Zahorik, have been appointed to the Finance Committee.

IV. Citizens Petitions and Presentations – None

V. Regular Business of the Board

A. Park Property, Chandler Road

Town Counsel Thomas Urbelis said residents voted to finalize the acquisition of the property adjacent to the Town landfill on Chandler Road at the 2014 Town Meeting; part of the property is contaminated and the Town will clean it up as required. He recommended that the Board approve and sign the Purchase and Sale Agreement.

On a motion by Selectman Salafia and seconded by Selectman Vispoli, the Board voted 4-0 to sign the Purchase and Sale Agreement for the Park property on Chandler Road as authorized by warrant article #33 at the 2013 Annual Town Meeting.

V. **Regular Business of the Board (Cont'd)**

B. **Downtown Parking Sticker Program**

Chairman Kowalski read the request from Senior Planner Lisa Schwarz to extend the Downtown Sticker Program for a one-year period through August 1, 2015 at a rate of \$50 per month and to increase the total number of parking stickers available to 100, currently there are 77 stickers and 16 requests wait-listed. The program has been in existence for fifteen years and is renewed on August 1st each year. Tim Vail of the Economic Development Commission strongly recommended that the Board approve this request. A Parking Management Study will be conducted in the near future to look at the overall parking capacity in the downtown.

Selectman O'Donoghue motioned that the Selectmen vote to extend the downtown parking sticker program for a one-year period thorough August 1, 2015 at a rate of \$50 per month and subject to the Downtown Employee Parking Permit Program Terms and Conditions and increasing the total number of parking stickers available to one hundred (100). The motion was seconded by Selectman Vispoli and voted 4-0 to approve.

C. **Merrimack College**

As a result of communication with Merrimack College, Chairman Kowalski reported that Merrimack will provide more meaningful opportunities to address the concerns surrounding the development of four dormitories on the North Campus as follows: Drainage – Thursday, July 17th; Sewer and Water – Monday, July 21st; Parking and Traffic – Thursday, July 24th and Safety – Monday, July 28th. All meetings will be held at Merrimack College in Cascia Hall starting at 7:00 P.M. The public has the right to speak at each of the meetings.

The Andover Planning Board can review the site plans and make their recommendation(s) to the Inspector of Buildings; the Board of Selectmen cannot set the conditions and MGL Chapter 38, Section 3 the Dover Amendment for educational facilities lists certain criteria and restrictions to be followed. Merrimack College has voluntarily submitted a site plan for review of the criteria and restrictions. The next Andover Planning Board meeting will be held on Tuesday, July 22nd.

Chairman Kowalski plans to meet with Felipe Schwarz, Merrimack's Assistant Vice President for External Affairs, later this week. Selectman Vispoli walked the area with neighbors and attended a Conservation Commission meeting addressing concerns regarding drainage, wetlands, high water table, and water/sewer pipe relocation. Chairman Kowalski also acknowledged receipt of many emails from residents and assured them the Board of Selectmen takes this matter very seriously.

Melissa Marquis, 33 Rock Ridge Road, distributed a hand-out outlining four points the coalition of neighbors in the area of the college are looking for the Board to support:

1) Slow down the accelerated path of the new dorms and community center, identify the specific actions Merrimack will take to address the concerns raised, and provide a letter to the Planning Board to support these concerns; 2) Consider an alternate site that would be a better fit; 3) Change the booking address for arrests at Merrimack College from 50 Fox Hill Road to the Merrimack College Campus. The use of the 50 Fox Hill Road gives the neighborhood a reputation as a high crime area; and 4) Concern about conflict of interest.

Chairman Kowalski thanked the residents for their remarks and asked that the Town Manager ensure the appropriate conflicts have been filed. Director of Planning Paul Materazzo reported that he is personally handling the project.

D. Restaurant Depot Inter-municipal Sewer Agreement – First Reading

Attorney Robert Lavoie, representing Restaurant Depot, 160 Dascomb Road, presented the amendment to the Inter-municipal Agreement with Tewksbury for sewer service which has to be re-approved when there are any change requests. They are asking approval to install a 2nd sewer pipe further south from where Restaurant Depot will be, there is no new flowage. Town Counsel from Andover and Tewksbury, the DPW and Public Health Director Tom Carbone are all satisfied with the amendment. Any use of the remaining 12,500 gallons would have to come back to the Board for approval. Tim Vail said the Economic Development Council strongly supports this request. The second reading and vote on this request will be at the next Selectmen's meeting on Monday, August 4th.

E. Net Metering Agreement

Director of Planning Paul Materazzo, Janet Nicosia of Plant and Facilities and consultants for SPG Solar/Hecate Energy, LLC presented information on a proposed 20-year Net Metering Agreement with SPG to purchase 3 million Kilowatt hours at \$.0714 with a 1.5% annual escalator. The Town could potential save over \$5.9 million in cumulative savings over the life of a 20-year agreement assuming a conservative 1.5% electric rate increase per year. Net metering reduces electrical bills by reducing the amount of electricity a customer buys from a distribution company and allows the customer to receive credits for electricity generated but not used. New England ranks as the 7th highest in electrical rates across the country. Net metering credits are applied to bills from National Grid and it is estimated Andover would realize a savings of \$270,000 in year one.

The Board of Selectmen requested a company profile on SPG, a cost analysis, comparisons with other towns (i.e. West Brookfield, Scituate, Acton) who have an agreement or bid, and to have milestones built into the agreement. Discussion on the Agreement will be an agenda item for the August 4th Board of Selectmen's Meeting.

F. 459 River Road Development

Attorney Mark B. Johnson, representing Pulte Homes of New England, LLC, said the an overlay district for senior housing at the area of the Franciscan Center at 459 River Road was approved at the 2013 Town Meeting. Attorney Johnson was planning to explain and request an Inter-municipal Agreement between Andover and Tewksbury for sewer service at the property, however, Tewksbury is not interested in augmenting any of their capacity. There is an option to pursue an extension of Andover's sewer lines which would be part of the upcoming sewer study and also to consider a septic system if they cannot extend the Andover sewer. Mr. Mastriani from Pulte Homes said they have an interest and agreement with Melmark to develop this property for a 200-unit Senior Living Community and intend to go before the Planning Board and IDR meeting next week. They are also considering other development ideas such as additional homes/dorms for Melmark or a subdivision.

Chris Cronin, Director of Municipal Services, said they will be conducting a Town-wide Sewer Study this year with the proposal going out soon. They will present the Master Plan at the next Town Meeting. The results of the study will provide answers for Pulte without waiting for Town Meeting.

G. Tennessee Gas Pipeline Project

The Board discussed the presentation made by Kinder Morgan at the community meeting held on July 9, 2014 for installation of a high pressure gas pipeline that would run thorough controversial land areas in Andover that include conservation areas, AVIS land, and the watershed area. Sixty percent of the route for the pipeline is on protected land and Tennessee Gas also wants a permanent easement that would be upwards of 50' feet on either side of the pipeline. The Board discussed the results of the presentation and arrived at two alternative routes – the center/median of the Rte. 93 Highway or through the Tewksbury/Andover Power line area. The Town Manager proposed the Board of Selectmen go on record and submit a letter to Tennessee Gas providing the suggestions for an alternate route.

There were many residents in attendance who offered several suggestions/comments:

- Jodi McDonald – Other towns are forming a regional coalition, consider joining the same and bring in experts to discuss this if necessary.
- Kate Wallace – the route would be located right next to Fishbrook and affect every resident as well as the conservation/eco-system.
- Luis Cincotta, River Road – Much of the land in the area was given to or bought by the Town for conservation use.
- Kevin Porter and Alex Driscoll from the Conservation Commission said they voted against Kinder Morgan surveying the land and completing land management plans for all parcels under consideration.

- Susan Stott – representing AVIS said they did not get a request to survey the land. Eleven communities in the Middlesex County and three in Essex County are getting together and coordinating their efforts, Andover should join the coalition. Check with the Merrimack Valley Planning Commission.
- Town Counsel Thomas Urbelis suggested our elected officials weigh-in on this project.
- School Committee member Barbara L'Italien believes it is best to submit our alternatives before September 15th because once Tennessee Gas files their plans with the Federal Government it will be difficult to change them – FERC trumps everything else.

Chairman Kowalski summarized the next steps which include: Identifying more ideal paths, engaging the Merrimack Valley Planning Commission, contacting elected officials, contacting DOT, involve environmental groups to identify impacts on the area, schedule another community meeting for August 13th and to move quickly. Options will be brought forward at the August 4th Board of Selectmen's meeting. The Town Manager said staff will prepare the proposals to be presented.

H. Town Yard/Municipal Services Facility

The Town Manager, staff and consultant gave a presentation on the Town Yard/Municipal Services Facility. The charge was to bring forward a solution that is the most feasible and least costly for the Town Yard/Municipal Facility (TYMF). They reviewed the history of the project, highlighted issues and current conditions including structural reports provided in 2011 which stated the structures were nearing the end of their useful life. Through continual refinement, the space need have been reduced down to 57,116 sq. ft. The alternatives for action include: 1) doing nothing; 2) replacing the Lewis Street facilities in kind; 3) constructing a new facility at Lewis Street and look for off-site seasonal storage; 4) seek to acquire adjacent Lewis Street property; and 5) build a new facility at the West Andover Fire Station site at Greenwood Road and Chandler Road. The costs of the alternatives were reviewed. The Town Manager recommended alternative #5 to build a new facility at the West Andover Fire Department location to be developed in two phases over a ten year period – Phase I – 14,500 sq. ft. at a cost of \$10.2M and Phase II – 42,600 sq. ft. \$21.2M for a total cost of \$31.4M. A new facility would protect the Town's investment in the fleet of vehicles, provide a better working environment, more energy efficiency and provide a more efficient, centralized facility overall.

Selectman Salafia pointed out that possible development of the current Town Yard area would increase tax revenue. The Board agreed to put this item on future agendas for detailed discussions and be ready with a warrant article by January.

I. Retirement Board Vacancy

The Andover Contributory Retirement Board has one opening. The Town Manager said a few applications have been received. Interested parties should submit a Talent Bank Form found on the Town's website, www.andoverma.gov.

J. Vehicle Policy – Second Reading

Town Clerk Larry Murphy distributed an updated version of the amendment to Section II of the Town's Municipal Vehicle Policy to the Board. The Board and Town Manager reviewed and discussed the revised policy. The Town Manager asked that the language in II.4 Vehicle Assignment and Authorization, Section 2 and 3 be changed from 'or' the Town Manager to 'and' the Town Manager. Chairman Kowalski requested a change to the wording in sub-section 5 from 'shall obtain approval' to 'shall seek approval'.

Selectman Vispoli motioned that the Board of Selectmen adopt the amendments to the Town of Andover Municipal Vehicle Policy, including the new subsection 5 and revisions to II. 4. Vehicle Assignment and Authorization as presented. The motion was seconded by Selectman Salafia and voted 4-0 to adopt the Town of Andover Municipal Vehicle Policy as amended.

K. Disposal of Surplus Property

On a motion by Selectman Vispoli, seconded by Selectman O'Donoghue, the Board voted 4-0 to approve the request of Paul Szymanski, Assistant Superintendent for Finance & Administration, for approval to dispose of surplus property (outdated textbooks at the High Plain and Sanborn Elementary Schools and Andover High School).

L. State Primary Election Warrant

On a motion by Selectman Salafia and seconded by Selectman O'Donoghue, the Board voted 3-0-1 to sign the Warrant for the State Primary Election to be held on Tuesday, September 9, 2014. Selectman Vispoli abstained.

VI. All Other Business – None

VII. Consent Agenda

A. Appointments and Re-appointments

On a motion by Selectman Vispoli and seconded by Selectman Salafia, the Board voted that the following appointments by the Town Manager be approved:

DEPARTMENT	POSITION	RATE	EFF. DATE
<u>COMMUNITY SERVICES</u>			
Sophie E. Stahley	Office Assistant II	IE12/1/\$39,977	7/1/14
Phoebe S. Anderson	Cheering Instructor – PT	C2A/\$8.00/hr.	7/7/14
Stacie L. Greenland	Art Teacher – PT	\$2,000	6/30/14
Simon C. Pereira	Lifeguard – PT	C2A/\$8.00/hr.	5/30/14
Bailey G. O'Neal	Lifeguard – PT	C2A/\$8.00/hr.	6/11/14
Patrick J. Schena	Counselor – PT	C2A/\$8.00/hr.	7/7/14
Gillian L. Connors	Counselor – PT	C2A/\$8.00/hr.	7/7/14
Liam T. Centrella	Counselor – PT	C2A/\$8.00/hr.	7/7/14
Matthew C. McIver	Counselor 2 – PT	C3B/\$9.00/hr.	7/7/14
Benjamin J. Gikow	Counselor 2 – PT	C3B/\$9.00/hr.	7/7/14

MUNICIPAL SERVICES DEPARTMENT – Plant & Facilities/Building Maintenance Division

Robin F. Littlejohn	Carpenter	W8-3/\$57,149	7/22/14
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MUNICIPAL SERVICES DEPARTMENT – Public Works/Water Sewer Division

David R. Tiney	Maintenance Specialist – Temp.	W5-1-0/\$49,590	7/22/14
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POLICE DEPARTMENT

Linda Lane	Office Assistant II (v. E. Milligan)	IE-12-7-2/\$50,393	7/22/14
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DESIGN REVIEW BOARD

Paul W. Maue – Term expires 6/30/16
(v. A. Constantine)

And that the following appointments by the Board of Selectmen are approved:

TOWN CLERK'S OFFICE

Elizabeth Bigelow	Pollworker	\$8.25/hr.	7/22/2014
Cynthia Cohen	Pollworker	\$8.25/hr.	7/22/2014
Gail A. Demaso	Pollworker	\$8.25/hr.	7/22/2014
James M. Demaso	Pollworker	\$8.25/hr.	7/22/2014
Norma A. Gammon	Pollworker	\$8.25/hr.	7/22/2014
Colleen Georgian	Pollworker	\$8.25/hr.	7/22/2014
Joseph F. Gifun	Pollworker	\$8.25/hr.	7/22/2014
Phyllis E. Herskovits	Pollworker	\$8.25/hr.	7/22/2014
Remi Machet	Pollworker	\$8.25/hr.	7/22/2014
Kevin J. Twohig	Pollworker	\$8.25/hr.	7/22/2014

And that the following re-appointments by the Board of Selectmen are approved:

TOWN CLERK'S OFFICE

Mary Jane Bausemer	Pollworker
Champa Bilwakesh	Pollworker
Jeanne P. DeLisio	Pollworker
Nancy S. Gump	Pollworker
Barbara MacIntire	Pollworker
Betty Landy	Pollworker
Charlotte Lyons	Pollworker
Ellen T. Marcus	Pollworker
Jeanne Normandy	Pollworker
Lillian Palumbo	Pollworker
James J. Redmond	Clerk
Judith T. Reghitto	Warden
Kathleen M. Salvi	Pollworker
Susan A. Schwarz	Pollworker
Marilyn P. Wicker	Pollworker
Barbara A. Brown	Pollworker
Alan M. Henderson	Pollworker
Patricia A. King	Pollworker
Margaret L. Leber	Pollworker
Joan M. LeMieux	Pollworker
Douglas F. Mitchell	Clerk
Stacia A. Quinn	Pollworker
Walter W. Salvi	Warden
James Sellers	Pollworker
Nancy Vogel	Pollworker
Lora Bates	Pollworker
Rita T. Arsenault	Pollworker
Nancy A. Burnham	Pollworker
Delores J. Cleland	Pollworker
Francis A. Drake	Pollworker
Denise S. Doherty	Pollworker
Robert A. Friedenson	Pollworker
Judith Lugas	Pollworker
Melvin Martin	Pollworker
Beverly B. McCabe	Pollworker
Calvin G. Perry	Warden
Peter H. Schwind	Clerk

H. Francis Rittershaus	Pollworker
Cynthia M. Sexton	Pollworker
Susan A. Toth	Pollworker
Constantine Bassilakis	Pollworker
Virginia F. Caswell	Pollworker
Clare M. Doyle	Pollworker
Eleanor A. Everett	Warden
Alice E. Friedenson	Pollworker
Carol J. Hopkinson	Pollworker
Pauline M. Malloy	Pollworker
Marcia S. O'Donnell	Pollworker
Elaine M. O'Brien	Pollworker
Cora G. Ozoonian	Pollworker
Kenneth Ozoonian	Pollworker
Julie E. Pike	Clerk
Celia Rogers	Pollworker
Helen Sellers	Pollworker
Nancy Simili	Pollworker
Mary D. Barry	Pollworker
Suanne C. Dillman	Pollworker
Maureen A. Finneran	Pollworker
Wendy Cassidy-Grobicki	Pollworker
David Cleary	Pollworker
Charles H. Heseltine	Warden
Phyllis A. Jardine	Pollworker
Mary Ann Jelson	Pollworker
Shirley E. Kountze	Pollworker
Lynn M.R. Landry	Pollworker
Joanne Lepine	Pollworker
Beatrice A. Pfister	Pollworker
Shiva Sheel	Clerk
David C. Tomlinson	Pollworker
Judith F. Birtles	Pollworker
Dianne E. DeLucia	Pollworker
Alexandra Driscoll	Pollworker
Christine Hayward	Pollworker
Abigail Harris	Pollworker
Margaret Hughes	Pollworker
Nancy A. James	Clerk
W. Robert James	Pollworker
Edith McElman	Pollworker
Marilyn S. Nolan	Pollworker

Robert E. Willard	Warden
Maria K. Bartlett	Pollworker
Marian C. Bicking (Molly)	Warden
Lydia Cardin	Pollworker
Mary Giata	Pollworker
Elizabeth A. Kochakian	Pollworker
Sharon Magnuson	Pollworker
Edward M. Medeiros	Clerk
Sheila N. Medeiros	Pollworker
Dorothy S. Morrissey	Pollworker
Jeanne S. Paskowsky	Pollworker
Alice Pincus	Pollworker
Gail Ralston	Pollworker
Evelyn A. Retelle	Pollworker
Charlotte Taylor	Pollworker
Priscilla A. Titus	Pollworker
Michael Toth	Pollworker
Joseph Leo Bernard	Pollworker
May R. Bernard	Pollworker
David W. Brown	Clerk
Sandra P. Durling	Polworker
Alfred E. Dusey	Pollworker
Suzanne Hornick	Pollworker
Maurice Y. LaBarre Jr.	Warden
Richard Leber	Pollworker
Zeff Marusich	Pollworker
Deborah K. Moskal	Pollworker
Donna J. Onasch	Pollworker
Catherine A. Robie	Pollworker
Delia Strobel	Pollworker
Anthony Connors	Pollworker
Paul C. Dow	Warden
Joan A. Dow	Pollworker
Luan M. Giannone	Pollworker
Jane Gifun	Pollworker
Dolores Henry	Pollworker
Jennifer Luxa	Pollworker
Pamela H. Mitchell	Pollworker
Richard G. O'Brien	Clerk
Carolyn Page	Pollworker
John R. Petty	Pollworker
Mildred M. Raymond	Pollworker

Ruth N. Shapiro
Rosemary C. Surette
Randall L. Hanson
Sallie L. LaBarre
Anthony J. Sofia

Pollworker
Pollworker
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Pollworker
Pollworker

VIII. Approval of Minutes from Previous Meetings

On a motion by Selectman Vispoli and seconded by Selectman O'Donoghue, the Board voted 4-0 to approve the Minutes of the Special Meeting of June 18, 2014 and the Regular Meeting Minutes of July 7, 2014 as presented.

IX. Adjournment

At 10:45 P.M. on a motion by Selectman O'Donoghue and seconded by Selectman Salafia, the Board unanimously voted to adjourn the Regular Meeting of July 21, 2014.

Respectfully submitted,

Dee DeLorenzo
Recording Secretary

Documents: Memo from Lisa Schwarz re: Downtown Parking Sticker Program,
Intermunicipal Agreement Amendment for Restaurant Depot, 160 Dascomb Road
Memo from Director of Planning Paul Materazzo re: Solar Net Metering Agreement
Letter from Director of Conservation Bob Douglas re: Tennessee Pipeline
Letter from Attorney Mark Johnson re: 459 River Road
Amendments to Section II Municipal Vehicle Policy
State Primary Election Warrant
Handout of Fishbrook area affected by the proposed Tennessee Gas Pipeline Project